IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 14 (SS) of 2007

Smt. Maheshi Devi,
W/o Sri Kishan Singh,
Assistant Teacher
Primary School, Sainjee,
Gairsain, District – Chamoli. ……**Petitioner.**

Versus

1. Additional District Education Officer, (Basic) Chamoli.
2. Sub Divisional Magistrate, Gairsain, District – Chamoali.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri N.S. Negi, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *issue a writ order or direction in the nature of Certiorari to quash the order of transfer dated 28.12.2006 passed by Additional District Education Officer (Basic) Chamoli respondent no. 1 contained in Annexure no. 1 to this writ petition.*
2. *issue a writ order or direction in the nature of Mandamus commanding the respondents no to interfere in the working of the petitioner on the post of Assistant Teacher, Primary School, Sainjee, Gairsain, District – Chamoli.*
3. *issue a suitable writ, order or direction in the nature of which this Hon'ble court may deem fit and proper in the circumstances of the case.*

4. award the costs of the writ petition in favour of the petitioner.

Vide order dated 28.12.2006, Additional District Education Officer (Basic), Chamoli has transferred the petitioner, who was working as Assistant Teacher Prathmik Vidyalaya, Sainjee, Gairsain to Prathmik Vidyalaya, Matkot, Gairsain, on administrative ground.

From perusal of record, it is clear that the transferring authority has passed the aforesaid order on the dictate of SDM, Gairsain and has not applied his mind while passing the transfer order.

Order dated 28.12.2006 passed by respondent no. 1 is hereby quashed, however, it is open for the respondent to transfer the petitioner after 31.05.2007 during the routine transfer, if there is any complaint against the petitioner or the transfer of petitioner is in public interest.

With this direction, writ petition as well as interim relief application no. 239 of 2007 is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

March 8, 2007
SKSharma